REMARKS

In the Office Action dated September 7, 2004, claims 1-22, 25, and 26 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,204,663 (Lee) in view of U.S. Patent No. 6,057,764 (Williams); and claims 23 and 24 were rejected under § 103 over Lee in view of Williams and U.S. Patent No. 6,624,739 (Stobbe).

Claim 1 has been amended to delete certain words from the claim to broaden the scope of the claim in several regards. It is respectfully submitted that amended claim 1 is nonobvious over the asserted combination of Lee and Williams. To establish a *prima facie* case of obviousness, the following requirements must be satisfied: (1) there must be some motivation or suggestion to combine reference teachings; and (2) the references when combined must teach or suggest *all* elements of the claim. M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129.

Point (2) is addressed first. The Office Action cited column 3, line 42-column 4, line 3 of Lee as teaching the first assigning act of claim 1, which now recites "assigning information stored on a computer a plurality of clearance levels." The cited passage in columns 3 and 4 of Lee refers to smart cards of different categories, including installer cards for use by workmen to install an acceptor and an opening mechanism for an access control system on a door, a set-up card to set up initial access codes, a services card to provide access to a room by an authorized person other than a customer, and a customer card to provide access to customers to a particular access-controlled area. There is no teaching or suggestion in this cited passage of *assigning information stored on a computer* a plurality of clearance levels. This is a first point of error made in the Office Action.

The Office Action cited column 5, lines 1-67 of Lee as teaching the providing act of claim 1, which now recites "providing access to that sub-set of the information (stored on the computer) having a clearance level no higher than the lowest identified clearance level." The cited passage in column 5 of Lee refers to the acceptor (which receives a smart card to read the smart card) managing multiple, differing levels of security for guest access, emergency access, security access, inspector access, supervisor access, and housekeeper access to a room, such as a room in a hotel. Different codes are assigned for each level of security. The smart cards are then used by employees or hotel guests to enter different rooms of a hotel. Providing a smart card, that behaves as a key, to enter different rooms or areas of a hotel or other building, as taught by

Lee, is not the same as the providing access to a *sub-set of information* stored in a computer having a clearance level no higher than the lowest identified clearance level. In Lee, smart cards are used to enable or disable entry into a room, not to provide access to a sub-set of information stored in a computer. This is a second point of error made in the Office Action.

The other reference, Williams, cited by the Office Action does not disclose or suggest the two elements above that are missing from Lee. Williams teaches that motion detectors can be used to inquire, by electromagnetic transmission, whether or not there is an authorized user in a secure space. Williams, 1:54-2:3. There is no teaching or suggestion in Williams of assigning information stored on a computer a plurality of clearance levels, and providing access to that sub-set of the information stored on a computer having a clearance level no higher than the lowest identified clearance level.

In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness cannot be established with respect to claim 1 for the reason that the hypothetical combination of Lee and Williams does not teach or suggest *all* elements of the claim.

Moreover, the obviousness rejection is defective for the additional reason that no motivation or suggestion existed to combine the teachings of Lee and Williams. Lee teaches an acceptor to receive a smart card to determine whether a user can open a door to gain access to an access-controlled area, such as a hotel room. Lee, 3:31-38, 4:16-27, 4:40-55. On the other hand, Williams teaches motion detectors associated with transceivers that are able to determine if an authorized user is in a secure space such that an alarm is not sounded in response to detecting presence of an authorized user. This teaching of Williams does not provide the suggestion or motivation to modify Lee's acceptor/smart card mechanism, which controls access to a room, to provide the method of claim 1, which includes using a wireless beacon to detect whether smart badges are located within a predefined boundary, identifying a lowest clearance level assigned to smart badges within the boundary, and providing access to that sub-set of the information having a clearance level no higher than the lowest identified clearance level.

A person looking to the teachings of Williams may have been motivated to place the motion detectors of Williams into the different rooms of Lee to ensure that authorized users do not cause activation of an alarm. However, such a teaching has nothing to do with the subject matter of claim 1.

Because no motivation or suggestion existed to combine the teachings of Lee and Williams to achieve the invention of claim 1, the *prima facie* case of obviousness is defective for this additional reason.

Independent claim 12 is allowable over the asserted combination of Lee and Williams for similar reasons. Claim 12 recites a method that includes assigning database information a plurality of clearance levels, which is clearly not taught by Lee, contrary to the assertion made in the Office Action, which cites the passage at column 3, line 59-column 4, line 3 of Lee as disclosing this element. The cited passage, as discussed above with respect to claim 1, relates to use of a services card to gain access to a room by an authorized person other than a customer. There is no teaching or suggestion whatsoever of assigning database information a plurality of clearance levels.

Also, claim 12 recites "providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary." The Office Action also cited to column 5, lines 1-67, of Lee as teaching this providing act. As discussed above, this cited passage describes an acceptor that manages multiple, differing levels of security for controlling access by different personnel to different rooms of a building or hotel. Codes can be assigned to smart cards to provide the different levels of security. However, nowhere within this passage, or anywhere else within Lee, is there any teaching of providing access to a *sub-set of database information* having a clearance level no higher than a lowest identified clearance level on a computer located within a predefined physical boundary. Williams, which teaches that activation of motion detectors causes an inquiry into whether a user in a secure space is authorized or not before sounding an alarm, does not provide any teaching of the elements missing from Lee. Therefore, the hypothetical combination of Lee and Williams does not teach or suggest all elements of claim 12. A *prima facie* case of obviousness has not been established with respect to claim 12 for at least this reason.

Moreover, as explained above, no motivation or suggestion existed to combine the teachings of Lee and Williams to achieve the claimed invention. This is a further reason that a *prima facie* case of obviousness has not been established with respect to claim 12.

The Office Action also cited Lee as teaching the defining, updating, and recalculating acts of claim 12. The Office Action cited column 2, lines 3-10, of Lee as teaching "defining those smart badges within the boundary as a set of visible smart badges." This cited passage of Lee describes a key with a sufficient memory capacity, such as a smart card, to carry access information required for entry to an access-controlled area, such as a hotel room. This does not constitute defining smart badges within the boundary as a set of visible smart badges, as recited in claim 12.

The Office Action cited column 2, lines 10-14, of Lee as teaching "updating the set of visible smart badges in response to a change in smart badge visibility status." This cited passage of Lee describes changing an access code for differing levels of access to a hotel room or other access-controlled area. No teaching whatsoever is made by this passage of Lee regarding updating a set of visible smart badges in response to a change in smart badge visibility status.

The Office Action cited column 5, lines 62-67, of Lee as teaching "recalculating the lowest clearance level in response to the change in smart badge visibility status." This cited passage of Lee describes the system being able to be programmed not to admit (to an extremely sensitive area) a person who has logged into the facility but who has not logged out so that more than one person cannot use a card to gain admittance to a secure facility. There is no teaching whatsoever of recalculating a lowest clearance level in response to a change in smart badge visibility status made in this passage of Lee.

The obviousness rejection of claim 12 is further defective in view of these additional points of error made in the Office Action with respect to claim 12.

Independent claim 13 is allowable over the asserted combination of Lee and Williams because the hypothetical combination of Lee and Williams does not teach or suggest assigning database information a plurality of clearance levels, and providing access to that sub-set of the database information having a clearance level no higher than the lowest identified clearance level on a computer located within the predefined physical boundary. Moreover, no motivation or suggestion existed to combine the teachings of Lee and Williams to achieve the claimed invention. A *prima facie* case of obviousness has thus not been established with respect to claim 13.

Independent claim 20 is allowable for similar reasons as for claim 12. Independent claim 21 is allowable for similar reasons as claim 13.

Newly added independent claim 31 recites an article comprising a computer-usable medium containing program code that when executed cause a computer to store plural sub-sets of information, each subset of information associated with one of plural clearance levels, and using at least a first wireless beacon to communicate with plural badges within a predefined region, each of the plural badges associated with one of the plural clearance levels. Also, the program code when execute cause the computer to determine a lowest clearance level from among the clearance levels associated with badges in the predefined region, and to provide access to one or more sub-sets of the information having one or more clearance levels no higher than the determined lowest clearance level. Lee and Williams, even if properly combined, do not teach or suggest at least the storing and providing acts of claim 31. Also, no motivation or suggestion existed to combine the teachings of Lee and Williams to achieve the claimed invention. Consequently, a *prima facie* case of obviousness cannot be established with respect to claim 31.

Independent claim 36 is allowable for similar reasons as claim 31.

Dependent claims, including newly added dependent claims 27-30, 32-35, 37, and 38, are allowable for at least the same reasons as corresponding independent claims.

In view of the mis-application of Lee and Williams to base claims, the obviousness rejection of dependent claims 23 and 24 over Lee, Williams, and Stobbe is also defective.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10005248-1).

Respectfully submitted,

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